

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 07 – DIVISION OF BUILDING SAFETY P.O. Box 83720, Boise, Idaho 83720

Docket No. **07-0106-0001**, Rules Governing the Use of the National Electrical Code. Prohibits the installation of electrical service equipment on manufactured homes built before January 1, 1992. Comment By: 9/27/00.

Docket No. **07-0111-0001**, Rules Governing Civil Penalties. Provides for the imposition of civil penalties and for the hearing of appeals regarding civil penalties by the Electrical Board. Comment By: 9/27/00.

Docket No. **07-0311-0001**, Rules Governing Manufactured/Mobile Home Licensing. Removes the homebuyer's disclosure form from rule so that it can be revised as needed. Comment By: 9/27/00.

IDAPA 09 – DEPARTMENT OF LABOR 317 W. Main St., Boise, ID 83735

Docket No. **09-0130-0001**, Rules of the Benefits Bureau. Adds that benefit claims may be filed electronically and interstate claims may be filed by telephone and states when those claims are effective. Comment By: 9/27/00.

Docket No. **09-0135-0001**, Rules of the Employer Accounts Bureau. Changes the special redetermination language to determination and explains the process for appealing the determination; clarifies how these determinations are to be made and the provisions for appeal to be included in the determination; clarifies the method for selecting employers for audit and the records that will be examined; clarifies the statute of limitations for audit and collection actions; specifies that value will be based on the reasonable or fair market value of the item and deletes out-of-date table reflecting minimum lodging and board rates; clarifies that there are 3 different tests to use in determining which quarter to attribute wages to an employee and provides that one of the tests applies when events are beyond the control of the "employer or the employee" instead of the employer and/or the employee. Comment By: 9/27/00.

Docket No. **09-0150-0001**, Rules of the Wage and Hour Section. Allows Department to dismiss wage claims when claimant fails to respond to requests for additional information or to otherwise prosecute their wage claims. Comment By: 9/27/00.

IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS 600 S. Orchard, Suite A, Boise, Id 83705-1242

Docket No. **10-0101-0001**, Rules of Procedure. Changes the Order of Business for conduct of the Board meetings; eliminates references to temporary permits and publication of the roster; changes nomenclature to reference biennial renewals rather than annual as now provided by statute; extends the application deadline for the Spring examinations from January 1 to January 10 and allows for the extension of application deadlines for students at Universities; eliminates a reference to references that is adequately covered in Idaho Code; eliminates reference to a fee for rescheduling; allows for examination review at locations other than at the Board office; and allows disposal of used examination material 1 year after the examination. Comment By: 9/27/00.

Docket No. **10-0102-0001**, Rules of Professional Responsibility. Clarifies the responsibilities of the discoverer and the alleged maker of an error, material discrepancy, or omission. Comment By: 9/27/00.

Docket No. **10-0103-0001**, Rules for Corner Perpetuation and Filing. Allows that a clear space be provided on the form to place recording information. Comment By: 9/27/00.

Docket No. **10-0104-0001**, Rules of Continuing Professional Development. Makes the certification of completion of required Continuing Professional Development for Professional Land Surveyors consistent with biennial renewals as approved by the Legislature. Comment By: 9/27/00.

IDAPA 11 – IDAHO STATE POLICE P.O. Box 700, Meridian, ID 83680-0700

Docket No. **11-0201-0001**, Rules of the Idaho State Brand Board. Conforms to statutory changes and includes provisions relating to the issuance of brand certificates, brand fees, prorating of fees in the staggered brand renewal system, recording of DOT brands and exemption of Idaho approved feedlots from the minimum fee. Comment By: 9/27/00.

Docket No. **11-0501-0001**, Rules Governing Alcohol Beverage Control. Redefines “restaurant” to give smaller establishments greater flexibility to provide food but excludes bars with crock pots which could, under the current definition, be considered a restaurant and allow entry to minors. Comment By: 9/27/00.

Docket No. **11-1001-0003**, Rules Governing the ILETs System- Idaho Law Enforcement Teletypewriter System. Increases previously adopted fee schedule for use fees, which is necessary for the continued operation of the criminal justice information system. Comment By: 9/27/00.

IDAPA 15 – OFFICE OF THE GOVERNOR – IDAHO COMMISSION ON AGING
P.O. Box 83720, Boise, ID 83720-0007

Docket No. **15-0103-0001**, Rules Governing Ombudsman for the Elderly Program. Changes are necessary to expand the field of candidates suitable for the Ombudsman position. Comment By: 9/27/00.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
P.O. Box 83720, Boise, ID 83720-0036

Docket No. **16-0208-0001**, Vital Statistics Rules. Increases fee to \$10 for the issuance of a certified copy of a vital record or birth registration and removes references to birth registration card which is no longer being issued. Comment By: 9/27/00.

Docket No. **16-0304-0001**, Rules Governing the Food Stamp Program in Idaho. Makes food stamps available to a person who has been convicted of a felony involving a controlled substance, if the person complies with the terms of a withheld judgment, probation or parole; condominium fees for maintenance of the structure and grounds are allowable shelter costs for Food Stamps. Comment By: 9/27/00

Docket No. **16-0309-0006**, Rules Governing Medical Assistance Program in Idaho. Puts back into rule the EPSDT coverage for nutrition, drugs, and oxygen that were inadvertently deleted. Comment By: 9/27/00.

Docket No. **16-0309-0007**, Rules Governing Medical Assistance Program in Idaho. Adds definition for “conviction” to be consistent with federal law; clarifies Department's authority to utilize cost effective, and generally accepted statistical extrapolation methodology in completing audits; changes “shall” to “may” and make other language changes to be consistent with Idaho Code. Comment By: 9/27/00.

Docket No. **16-0412-0001**, Rules Governing the Individual and Family Grant Program. Re-codifies chapter that was inadvertently omitted from the 2000 edition of the Idaho Administrative Code. Comment by: 9/27/00.

Docket No. **16-0602-0001**, Rules Governing Standards for Child Care Licensing. Rewrite of chapter addresses child placements and adoptions, licensure of agencies performing those functions, Foster Care, and Residential Care for Children; the “Day Care” section remains unchanged. Comment By: 9/27/00.

Docket No. **16-0602-0002**, Rules Governing Standards for Child Care Licensing. Repeal of chapter. Comment By: 9/27/00.

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD
1365 North Orchard, Suite 172, Boise, ID 83706

Docket No. **25-0101-0001**, Rules of the Outfitters and Guides Licensing Board. Specifies location of Board offices, the Board’s normal working hours, and telephone numbers; provides for electronic signatures; clarifies the current Board interpretation that pre-season or in-season scouting fall within the definition of hunting; failure to pay suppliers or failure to pay taxes is considered unethical or unprofessional conduct; annual renewal of licenses will be on an anniversary date rather than April 1; land based guides must either read and understand a map or operate a GPS or other computerized map system; clarifies where the exact put-in and takeout is on certain river sections; converts certain current Board policies into rule; omits unnecessary language and conforms to provisions in Idaho Code. Comment By: 9/27/00.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
P.O. Box 83720, Boise, Idaho 83720-0074

Docket No. **31-7103-0001**, Railroad Safety/Sanitation Rules. Adopts federal safety regulations issued by the US Department of Transportation pertaining to the packaging and transporting of hazardous materials by railroads operating in Idaho. Comment By: 9/27/00.

IDAPA 35- -IDAHO STATE TAX COMMISSION
P.O. Box 36, Boise, ID 83722

Docket No. **35-0103-0001**, Property Tax Administrative Rules. Provides procedures the State Tax Commission will use for the valuation program extension as the authorized oversight agency. Comment By: 10/4/00.

Docket No. **35-0103-0002**, Property Tax Administrative Rules. Conforms to statutory changes and sets a new base for distributing sales tax revenues; adds codes references; deletes obsolete language; adds procedures for making corrections when needed. Comment By: 9/27/00.

Docket No. **35-0103-0003**, Property Tax Administrative Rules. Changes affecting forest land include renumbering, deletion of obsolete language, and updating code references. Comment By: 10/4/00.

Docket No. **35-0104-0001**, Idaho Estate and Transfer Tax Administrative Rules. Clarifies that interest paid on refunds will be calculated from the due date of the return or the day the tax was actually paid, whichever is later. Comment By: 9/27/00.

IDAPA 36- -IDAHO STATE BOARD OF TAX APPEALS
P.O. Box 83720, Boise, Idaho 83720-0088

Docket No. **36-0101-0001**, Idaho Board of Tax Appeals Rules. Deletes sections that address the Small Claims Division which were deleted from Idaho Code and are no longer enforceable. Comment by: 9/29/00.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 7129, Boise ID 83707-1129

Docket No. **39-0101-0001**, Rules Governing Vehicle Dealer License Requirements-Motor Vehicles. Changes made to titling of vessels and requires dealer licensing for those selling 5 or more new or previously titled vessels per year; adds the term “vessel” for clarification; redefines the term “temporary supplemental lot” and relaxes the requirements as to the proximity of a supplemental lot to the dealer's principal place of business. Comment By: 9/27/00.

Docket No. **39-0271-0001**, Rules Governing Drivers License Violation Point Count System. Removes obsolete citation language to comply with Idaho Code; certain citations and associated point counts were inadvertently omitted and must be replaced to be in compliance with the Idaho Code. Comment By: 9/27/00.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, Idaho 83706-1255

Docket No. **58-0102-0002**, Water Quality Standards and Wastewater Treatment Requirements. Adds new use designations to the tables for state waters; changes temperature criteria to protect fish; allows variances for the communities of Mullan, Page, and Smelterville for meeting water quality standards in the South Fork of the Coeur d'Alene River for metals; recalculates site-specific standards for Pat Hughes and Buckskin Creeks; and makes minor corrections. Comment By: 9/27/00.

Docket No. **58-0105-0001**, Rules and Standards for Hazardous Waste. Updates rules to make them consistent with revisions to the federal RCRA regulations as of July 1, 2000; incorporates additional federal regulations to rule. Comment By: 9/27/00.

Docket No. **58-0112-0001**, Rules for Administration of Wastewater Treatment Facilities Loans. Changes conform to statutory changes that give DEQ authority to expand the existing wastewater treatment loan program to provide loans to address non-point pollution problems such as agricultural runoff, effluent trading, septic tank replacement, wetland restoration and stormwater control and establishes a priority rating system that integrates wastewater treatment projects and non-point pollution projects into one list. Comment By: 9/27/00.

Docket No. **58-0122-0001**, Rules for Administration of Planning Grants for Public Drinking Water Facilities. Changes conform to statutory changes that give DEQ authority to provide grants to public drinking water systems in Idaho and address a priority rating system, limitations on pre-grant engineering, review and evaluation of grant applications, environmental reviews, grant offer acceptance, payments, and waivers. Comment By: 9/27/00.

PUBLIC NOTICE OF AGENCY ACTION - The **Department of Health and Welfare** in response to legislative intent language for the period of 7/1/00 through 6/30/01, rates of Medicaid commercial transportation providers shall not exceed rates in effect as of March 1, 2000.

PUBLIC HEARINGS – Public Hearings have been scheduled for the following dockets:

Department of Health and Welfare

Docket Nos. **16-0602-0001** & **16-0602-0002**, Rules Governing Standards for Child Care Licensing.

Outfitters And Guides Licensing Board

Docket No. **25-0101-0001**, Rules of the Outfitters and Guides Licensing Board.

Idaho State Tax Commission

Docket Nos. **35-0103-0001** & **35-0103-0003**, Property Tax Administrative Rules.

Department of Environmental Quality

Docket No. **58-0101-9905** & **58-0101-0002**, Rules for the Control of Air Pollution in Idaho. Comment deadline: 9/27/00.

The Public Comment Period For The Following Docket Has Been Extended:

Department of Environmental Quality - Docket No. **58-0101-9902**, Rules for the Control of Air Pollution in Idaho. Comment deadline: 9/20/00.

Please refer to the Idaho Administrative Bulletin, **September 6, 2000, Volume 00-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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